

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1984 OF 2006

IN

FIRST APPEAL STAMP NO. 7929 OF 2006

.....
Office Notes, Office Memoranda Court's or Judge's Orders
of Coram, appearances, Court' s
Orders or directions and Registrar's
Orders
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Mr. C. M. Lokesh i/b G. S. Hedge &
Associates for applicant.

Mr. T.J. Mendon for respondent.

CORAM: S. B. DESHMUKH, J.
DATE : SEPTEMBER 15, 2006.

P. C.

1. Heard the learned counsel for the parties. The applicant is seeking condonation of 328 days' delay in filing appeal in this Court. Applicant has explained the delay in Paragraph No. 2 of the Civil Application. According to the applicant for filing of the First Appeal in this Court a large amount towards

payment of Court Fee was required. The approval, from the authority concerned, was to be obtained. Proposal accordingly was moved somewhere in the first week of May, 2005. The appeal was prepared by the learned counsel appearing for the applicant-Corporation. However, on account of non receipt of court fees, appeal could not be filed. The clerk, who assist the Learned counsel appearing for the applicant, expired on 09/06/2005. For all these reasons, delay of 325 days is occurred in filing the First Appeal.

2. There is no reply filed on behalf of the respondent. However, according to the learned counsel for the respondent, delay is not properly explained. Applicant is a corporation and registered in accordance with the provisions of Corporation Act-1963. Decision, regarding filing of the appeal, payment of Court fees is being taken in accordance with the Rules and procedure.

3. For this purpose, proposal which is being moved, takes some time. In addition to this in this case, the delay is caused because of the death of Shankar on 09/06/2005, the clerk of learned counsel for the applicant. In my view, delay is satisfactorily explained and is bonafide.

4. In the result, delay of 325 days', occurred in filing the appeal in this Court is condoned. Civil Application is allowed accordingly and disposed of.

5. List the appeal for admission on 7th of October, 2006.

(S. B. DESHMUKH, J.)